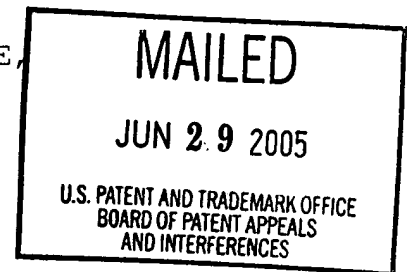


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YONGWEI CAO,
AZITA GHODSSI, GREGORY J. HINKLE,
WILLIAM E. TIMBERLAKE AND
JAEHYUK YU



Application 09/404,520

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on April 6, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The examiner cited on page 3 of the Answer mailed on November 19, 2004, the following reference as prior art relied upon: Rodriguez-Tome, P. et al., "The European Bioinformatics Institute (EBI) databases" Nucleic Acids Research, Vol. 24, No. 1 (January 1, 1996), pp. 6-12." We are unable to locate a scanned electronic copy of this reference in the IFW file.


Application 09/404,520

Accordingly, it is

ORDERED that the application is returned to the examiner: 1) to provide electronic copy of reference indicated, and 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



Craig R. Feinberg
Program and Resource Administrator
(571) 272-9797

cc:

Gail Wuellner
Monsanto Company
800 N. Lindbergh Blvd.
Zone E2NA
St. Louis, MO 63167

CRF/cam